

**CERTIFIED FOR PUBLICATION**

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**THIRD APPELLATE DISTRICT**

**(Sacramento)**

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SAN JOAQUIN RIVER EXCHANGE  
CONTRACTORS WATER AUTHORITY,

Plaintiff and Appellant,

v.

STATE WATER RESOURCES CONTROL  
BOARD et al.,

Defendants and Respondents.

C060697

(Super. Ct. No. 06CS01243)

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SAN JOAQUIN RIVER GROUP AUTHORITY,

Plaintiff and Appellant,

v.

STATE WATER RESOURCES CONTROL  
BOARD et al.,

Defendants and Respondents.

(Super. Ct. Nos.  
06CS01244, 06CS01310)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

As respondents have requested, it is ordered that the published opinion filed herein on April 13, 2010, be modified as follows:

1. Delete the last full paragraph on page 19 of the slip opinion, which continues to page 20 and reads as follows (underscoring indicates language to be replaced):

These three issues stem from the fact that the Ship Channel's DO impairment results from one factor subject to a TMDL (oxygen-demanding substances) and two factors not so (geometry and reduced flow). This state of affairs, however, is the state of affairs in the Ship Channel and must be dealt with as such: remedy through TMDL and non-TMDL processes. This is what the DO Amendment envisions.

2. Replace the above paragraph with the following (bold text indicates revised language):

These three issues stem from the fact that the Ship Channel's DO impairment results from one factor subject to **discharge requirements** (oxygen-demanding substances) and two factors not so (geometry and reduced flow). This state of affairs, however, is the state of affairs in the Ship Channel and must be dealt with as such: remedy through **control of discharges and control of other factors contributing to the impairment**. This is what the DO Amendment envisions.

This modification does not constitute a change in the judgment. **(CERTIFIED FOR PUBLICATION.)**

BY THE COURT:

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RAYE, Acting P. J.

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ROBIE, J.

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BUTZ, J.